

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONTEL NEWSON,)
)
Plaintiff,)
)
vs.) Case No. 4:05CV0647 AGF
)
TITLE LENDERS, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's motion to compel filed on November 11, 2005. Plaintiff filed this action pro se on April 22, 2005, under Title VII of the Civil Rights Act of 1964, claiming ongoing discrimination against him, including a failure to promote him, by his employer on account of race. The Case Management Order issued on July 7, 2005, provided that Initial Disclosures required by Federal Rule of Civil Procedure 26(a)(1) be made by the parties no later than August 12, 2005.

In the motion under consideration, Defendant asserts that Plaintiff sent Defendant some documents, but that they did not constitute a proper initial disclosure. Defendant asserts that its counsel called Plaintiff and explained what Rule 26 called for, that Plaintiff indicated that he understood what he needed to submit, and that counsel requested such submission by September 30, 2005. Defendant asserts that Plaintiff has still not provided his Initial Disclosures, and has not responded to Defendant's First Set of Interrogatories and First Request for Production of Documents propounded on August 9, 2005.

Defendant has submitted a copy of its letter dated October 7, 2005, to Plaintiff. In the letter, Defendant reviewed the parties' telephone conversation of the day before in which Defendant informed Plaintiff that his disclosures and his responses to Defendant's discovery requests were overdue. Defendant noted that it was resending Plaintiff a copy of its First Set of Interrogatories, which Plaintiff claimed he never received, and was also enclosing a copy of Rule 26. Defendant also wrote that it would file a motion to compel if Plaintiff did not file his disclosures and discovery responses by October 14, 2005. Defendant asserts that as of the date of its motion to compel, Plaintiff did not file the disclosures or discovery responses. Plaintiff has not responded to Defendant's motion to compel.

The Court reminds Plaintiff that his pro se status does not entitle him to disregard the Federal Rules of Civil Procedure or this Court's rules and directives.

Upon review of the record,

IT IS HEREBY ORDERED that Defendant's motion to compel [Doc. #21] is **GRANTED**. Plaintiff shall have up to and including December 9, 2005, to serve on defense counsel his Initial Disclosures and serve his responses to Defendant's First Set of Interrogatories and First Request for Production of Documents.

IT IS FURTHER ORDERED that Plaintiff's failure to comply with this Order shall result in the dismissal of this action without prejudice for Plaintiff's failure to prosecute.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of November, 2005.